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APPEAL,CLOSED

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:09-cv-12067-DJC**

Moffat v. U.S. Department of Justice
Assigned to: Judge Denise J. Casper
Case in other court: First Circuit, 11-02472

Date Filed: 12/03/2009
Date Terminated: 01/13/2012
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Cause: 05:552 Freedom of Information Act

Plaintiff

Shane O. Moffat

represented by **David A.F. Lewis**
David A.F. Lewis, LLC
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. Department of Justice

represented by **Mark J. Grady**
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TERMINATED: 09/16/2011

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Date Filed	#	Docket Text
12/03/2009	<u>1</u>	COMPLAINT against U.S. Department of Justice. Filing fee: \$ 350, receipt number 01010000000002690396, filed by Shane O. Moffat. (Lewis, David) (Additional attachment(s) added on 12/3/2009: # <u>3</u> Corrected Civil Cover Sheet, # <u>4</u> Corrected Category Form) (Abaid, Kimberly). Text Modified on 12/4/2009 (Cummings, Mary). (Entered: 12/03/2009)
12/04/2009		ELECTRONIC NOTICE of Case Assignment. Chief Judge Mark L. Wolf assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Robert B. Collings (Cummings, Mary) (Entered: 12/04/2009)
12/04/2009	<u>2</u>	Summons Issued as to U.S. Department of Justice. Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (Cummings, Mary) (Entered: 12/04/2009)
12/04/2009		Notice of correction to docket made by Court staff. Correction: Civil Cover Sheet and Category Sheet filed by counsel have been deleted from Entry No. 1. Documents were not properly saved to PDF non-fillable format prior to filing. Documents replaced in non-fillable format. (Cummings, Mary) (Entered: 12/04/2009)
12/18/2009	<u>3</u>	SUMMONS Returned Executed by Shane O. Moffat. U.S. Department of Justice served on 12/10/2009, answer due 2/8/2010. (Lewis, David) (Entered: 12/18/2009)
02/03/2010	<u>4</u>	SUMMONS Returned Executed by Shane O. Moffat. U.S. Department of Justice served on 1/21/2010, answer due 3/22/2010. (Lewis, David) (Entered: 02/03/2010)

02/03/2010	<u>5</u>	SUMMONS Returned Executed by Shane O. Moffat. U.S. Department of Justice served on 1/26/2010, answer due 3/29/2010. (Lewis, David) (Entered: 02/03/2010)
04/02/2010	<u>6</u>	NOTICE of Appearance by Rachael S. Rollins on behalf of U.S. Department of Justice (Rollins, Rachael) (Entered: 04/02/2010)
04/19/2010	<u>7</u>	MOTION Request to Submit Handwritten Affidavit/Amendment to Complaint, dated 4/14/10 by Shane O. Moffat. (Attachments: # <u>1</u> Exhibit Correspondence to Shane Moffatt from SBCC)(Boyce, Kathy) (Entered: 04/30/2010)
06/15/2010	<u>8</u>	MOTION to Dismiss <i>Plaintiff's Complaint</i> by U.S. Department of Justice.(Rollins, Rachael) (Entered: 06/15/2010)
06/15/2010	<u>9</u>	MEMORANDUM in Support re <u>8</u> MOTION to Dismiss <i>Plaintiff's Complaint</i> filed by U.S. Department of Justice. (Attachments: # <u>1</u> Exhibit 1A - 1I)(Rollins, Rachael) (Entered: 06/15/2010)
06/16/2010		ELECTRONIC NOTICE issued requesting courtesy copy for <u>9</u> Memorandum in Support of Motion. Counsel who filed this document are requested to submit a courtesy copy of this document (or documents) to the Clerk's Office by 6/22/2010. These documents must be clearly marked as a Courtesy Copy and reflect the document number assigned by CM/ECF. (O'Leary, Dennis) (Entered: 06/16/2010)
06/29/2010	<u>10</u>	MOTION to Dismiss <i>Plaintiff's Complaint</i> by U.S. Department of Justice.(Rollins, Rachael) (Entered: 06/29/2010)
06/29/2010	<u>11</u>	MEMORANDUM in Support re <u>10</u> MOTION to Dismiss <i>Plaintiff's Complaint</i> filed by U.S. Department of Justice. (Attachments: # <u>1</u> Exhibit 1 A - E)(Rollins, Rachael) Docket Text Modified on 6/29/2010 to correct typographical error in description of Exhibits (Boyce, Kathy). (Entered: 06/29/2010)
10/07/2010	<u>12</u>	Assented to MOTION Filing of opposition in excess of 14 days by Shane O. Moffat. (Lewis, David) (Entered: 10/07/2010)
10/07/2010	<u>13</u>	MEMORANDUM in Opposition re <u>8</u> MOTION to Dismiss <i>Plaintiff's Complaint</i> , <u>10</u> MOTION to Dismiss <i>Plaintiff's Complaint</i> filed by Shane O. Moffat. (Attachments: # <u>1</u> Affidavit)(Lewis, David) (Entered: 10/07/2010)
10/08/2010		Chief Judge Mark L. Wolf: ELECTRONIC ORDER entered granting <u>12</u> Motion to file late (O'Leary, Dennis) (Entered: 10/08/2010)
11/05/2010	<u>14</u>	Assented to MOTION for Leave to File <i>Responsive Pleadings on November 5, 2010</i> by U.S. Department of Justice.(Rollins, Rachael) (Entered: 11/05/2010)

11/05/2010	<u>1</u> <u>5</u>	REPLY to Response to <u>10</u> MOTION to Dismiss <i>Plaintiff's Complaint (ATFE's Reply to Plaintiff's Opposition)</i> filed by U.S. Department of Justice. (Attachments: # <u>1</u> Exhibit A)(Rollins, Rachael) (Entered: 11/05/2010)
11/05/2010	<u>1</u> <u>6</u>	REPLY to Response to <u>8</u> MOTION to Dismiss <i>Plaintiff's Complaint (DEA's Reply to Plaintiff's Opposition)</i> filed by U.S. Department of Justice. (Attachments: # <u>1</u> Exhibit A)(Rollins, Rachael) (Entered: 11/05/2010)
11/05/2010	<u>1</u> <u>7</u>	MOTION for Summary Judgment <i>for the FBI</i> by U.S. Department of Justice.(Rollins, Rachael) (Entered: 11/05/2010)
11/05/2010	<u>1</u> <u>8</u>	MEMORANDUM in Support re <u>17</u> MOTION for Summary Judgment <i>for the FBI</i> filed by U.S. Department of Justice. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Rollins, Rachael) (Entered: 11/05/2010)
11/08/2010		Chief Judge Mark L. Wolf: ELECTRONIC ORDER entered granting <u>14</u> Motion for Leave to File Responsive Pleadings on November 5, 2010 by U.S. Department of Justice. (O'Leary, Dennis) (Entered: 11/08/2010)
11/15/2010	<u>1</u> <u>9</u>	Letter to Clerk of Courts from Shane O. Moffat requesting a copy of the docket sheet, FILED. (Boyce, Kathy) (Entered: 11/17/2010)
11/17/2010		DOCKET SHEET sent to Shane Moffat (Boyce, Kathy) (Entered: 11/17/2010)
12/14/2010	<u>2</u> <u>0</u>	Assented to MOTION for Leave to File <i>Responsive Pleadings on or before December 17, 2010</i> by Shane O. Moffat.(Lewis, David) (Entered: 12/14/2010)
12/14/2010		Chief Judge Mark L. Wolf: ELECTRONIC ORDER entered granting <u>20</u> Motion for Leave to File Document. Plaintiff shall file his opposition to the motion for summary judgment (docket no. 17) on or before December 17, 2010. Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (O'Leary, Dennis) (Entered: 12/14/2010)
12/17/2010	<u>2</u> <u>1</u>	Opposition re <u>8</u> MOTION to Dismiss <i>Plaintiff's Complaint</i> , <u>17</u> MOTION for Summary Judgment <i>for the FBI</i> , <u>10</u> MOTION to Dismiss <i>Plaintiff's Complaint (Leave to file granted 12-14-10)</i> filed by Shane O. Moffat. (Lewis, David) (Entered: 12/17/2010)
01/21/2011	<u>2</u> <u>2</u>	NOTICE of Reassignment. District Judge Denise J. Casper added. Chief Judge Mark L. Wolf no longer assigned to case. (Hourihan, Lisa) (Entered: 01/21/2011)

02/09/2011		ELECTRONIC NOTICE Setting Hearing on Motion <u>10</u> MOTION to Dismiss <i>Plaintiff's Complaint</i> , <u>7</u> MOTION Request to Submit Handwritten Affidavit/Amendment to Complaint, dated 4/14/10 by Shane O. Moffat, <u>8</u> MOTION to Dismiss <i>Plaintiff's Complaint</i> , <u>17</u> MOTION for Summary Judgment <i>for the FBI</i> : Motion Hearing set for 3/29/2011 02:30 PM in Courtroom 11 before District Judge Denise J. Casper. (Hourihan, Lisa) (Entered: 02/09/2011)
03/10/2011		ELECTRONIC NOTICE issued requesting courtesy copy for <u>16</u> Reply to Response to Motion, <u>15</u> Reply to Response to Motion, <u>13</u> Memorandum in Opposition to Motion, <u>18</u> Memorandum in Support of Motion, <u>21</u> Opposition to Motion, <u>11</u> Memorandum in Support of Motion, <u>17</u> MOTION for Summary Judgment <i>for the FBI</i> , <u>10</u> MOTION to Dismiss <i>Plaintiff's Complaint</i> . Counsel who filed this document are requested to submit a courtesy copy of this document (or documents) to the Clerk's Office by 3/15/11. These documents must be clearly marked as a Courtesy Copy and reflect the document number assigned by CM/ECF. (Hourihan, Lisa) (Entered: 03/10/2011)
03/16/2011	<u>2</u> <u>3</u>	Writ of Habeas Corpus ad Testificandum Issued as to Shane O. Moffatt for 3/29/11. (Hourihan, Lisa) (Entered: 03/16/2011)
03/29/2011		ELECTRONIC NOTICE Resetting Hearing on Motion <u>10</u> MOTION to Dismiss <i>Plaintiff's Complaint</i> , <u>8</u> MOTION to Dismiss <i>Plaintiff's Complaint</i> , <u>17</u> MOTION for Summary Judgment <i>for the FBI</i> : Motion Hearing set for 3/29/2011 03:00 PM in Courtroom 11 before Judge Denise J. Casper. (NOTE TIME CHANGE ONLY) (Hourihan, Lisa) (Entered: 03/29/2011)
03/29/2011		ELECTRONIC Clerk's Notes for proceedings held before Judge Denise J. Casper: Motion Hearing held on 3/29/2011 re <u>8</u> MOTION to Dismiss <i>Plaintiff's Complaint</i> filed by U.S. Department of Justice, <u>17</u> MOTION for Summary Judgment <i>for the FBI</i> filed by U.S. Department of Justice, <u>10</u> MOTION to Dismiss <i>Plaintiff's Complaint</i> filed by U.S. Department of Justice. Arguments. Court takes under advisement <u>7</u> Motion Request to Submit Handwritten Affidavit/Amendment to Complaint; takes under advisement <u>8</u> Motion to Dismiss; takes under advisement <u>10</u> Motion to Dismiss; takes under advisement <u>17</u> Motion for Summary Judgment; (Court Reporter: Debra Joyce at joycedebra@gmail.com.)(Attorneys present: David A.F. Lewis for the plaintiff. Rachel Rollins for the defendant.) (Hourihan, Lisa) (Entered: 03/29/2011)
03/30/2011	<u>2</u> <u>4</u>	AFFIDAVIT of Shane Moffat in Support re <u>20</u> Assented to MOTION for Leave to File <i>Responsive Pleadings on or before December 17, 2010 and re</i> <u>21</u> <i>Plaintiffs Reply</i> filed by Shane O. Moffat. (Lewis, David) (Entered: 03/30/2011)
04/07/2011	<u>2</u> <u>5</u>	DECLARATION re <u>18</u> Memorandum in Support of Motion (<i>Federal Bureau of Investigation's Supplemental Declaration</i>) by U.S. Department of Justice. (Rollins, Rachael) (Entered: 04/07/2011)

04/15/2011	<u>26</u>	MOTION for Leave to File <i>Plaintiffs Response to Second Declaration of David M. Hardy</i> by Shane O. Moffat. (Attachments: # <u>1</u> Text of Proposed Order)(Lewis, David) (Entered: 04/15/2011)
04/19/2011		Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>26</u> Motion for Leave to File Plaintiff's Response to Second Declaration of David M. Hardy; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Gaudet, Jennifer) (Entered: 04/19/2011)
04/19/2011	<u>27</u>	Response by Shane O. Moffat to <u>25</u> Declaration of David M. Hardy (<i>Leave to file granted 04-19-11</i>). (Attachments: # <u>1</u> Exhibit)(Lewis, David) (Entered: 04/19/2011)
05/16/2011	<u>8</u>	Judge Denise J. Casper: ORDER entered. Standing Order Re: Courtroom Opportunities for Relatively Inexperienced Attorneys(Gaudet, Jennifer) (Entered: 05/16/2011)
08/05/2011	<u>9</u>	Judge Denise J. Casper: ORDER entered. MEMORANDUM AND ORDER. "...Based on the foregoing, the defendants motions for summary judgment are GRANTED." (Gaudet, Jennifer) (Entered: 08/08/2011)
08/05/2011		Judge Denise J. Casper: ELECTRONIC ORDER entered. "Accordingly, the Court will give Moffatt leave to file a memorandum, no more than ten (10) pages long, addressing these two, limited issues. Moffatt must file any such memorandum by August 19, 2011. If Moffat does so, the Court will give the FBI until September 2, 2011 to file a responsive filing that is no more than ten (10) pages." (Gaudet, Jennifer) (Entered: 08/08/2011)
08/05/2011		Judge Denise J. Casper: ELECTRONIC ORDER entered denying as moot <u>7</u> Motion to Submit Handwritten Affidavit/Amendment to Complaint. (Gaudet, Jennifer) (Entered: 08/08/2011)
08/05/2011		Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>8</u> Motion to Dismiss; granting <u>10</u> Motion to Dismiss; granting <u>17</u> Motion for Summary Judgment. See Memorandum and Order entered this date. (Gaudet, Jennifer) (Entered: 08/08/2011)
08/19/2011	<u>30</u>	MOTION for Attorney Fees by Shane O. Moffat.(Lewis, David) (Entered: 08/19/2011)
08/23/2011	<u>31</u>	Letter/request (non-motion) from Shane O. Moffat requesting copy of Memorandum and Order dated 8/5/2011. (Gaudet, Jennifer) (Entered: 08/24/2011)

08/30/2011	<u>3</u> <u>2</u>	MOTION to Alter Judgment by Shane O. Moffat.(Lewis, David) (Entered: 08/30/2011)
09/02/2011	<u>3</u> <u>3</u>	Opposition re <u>30</u> MOTION for Attorney Fees filed by U.S. Department of Justice. (Rollins, Rachael) (Entered: 09/02/2011)
09/09/2011	<u>3</u> <u>4</u>	Opposition re <u>32</u> MOTION to Alter Judgment filed by U.S. Department of Justice. (Rollins, Rachael) (Entered: 09/09/2011)
09/12/2011	<u>3</u> <u>5</u>	Letter/request (non-motion) to clerk from Plaintiff informing the court that he is trying to obtain new counsel. (Gaudet, Jennifer) (Entered: 09/13/2011)
09/16/2011	<u>3</u> <u>6</u>	NOTICE of Appearance by Mark J. Grady on behalf of U.S. Department of Justice (Grady, Mark) (Entered: 09/16/2011)
09/16/2011	<u>3</u> <u>7</u>	NOTICE of Withdrawal of Appearance by Rachael Rollins (Grady, Mark) Modified on 9/16/2011 (Gaudet, Jennifer). (Entered: 09/16/2011)
10/11/2011		Judge Denise J. Casper: ELECTRONIC ORDER entered denying <u>32</u> Motion to Alter Judgment. After careful consideration of Plaintiff's motion to alter or amend the Court's August 5, 2011 order and the Defendant's opposition to same, the Court DENIES the motion. (Hourihan, Lisa) (Entered: 10/11/2011)
10/11/2011		ELECTRONIC NOTICE Setting Hearing on Motion <u>30</u> MOTION for Attorney Fees :The Court hereby orders a hearing on Plaintiff's Claim for Attorney's Fees for 10/25/2011 02:00 PM in Courtroom 11 before Judge Denise J. Casper. (Hourihan, Lisa) (Entered: 10/11/2011)
10/24/2011	<u>3</u> <u>8</u>	Writ of Habeas Corpus ad Testificandum Issued as to Shane Moffat for 10/25/11. (Hourihan, Lisa) (Entered: 10/25/2011)
10/25/2011		ELECTRONIC Clerk's Notes for proceedings held before Judge Denise J. Casper: Motion Hearing held on 10/25/2011 re <u>30</u> MOTION for Attorney Fees filed by Shane O. Moffat. Court inquires of Mr. Moffat if he wants to proceed with present counsel. Mr. Moffat to proceed with present counsel Arguments. Court takes under advisement <u>30</u> Motion for Attorney Fees; Counsel for the plaintiff ti file an affidavit in support of motion for attorney fees by 11/8/11. Government to respond by 11/22/11. (Court Reporter: Debra Joyce at joycedebra@gmail.com.)(Attorneys present: David Lewis for the plaintiff. Mark Grady for the defendant. Mr. Moffat habed in for the hearing.) (Hourihan, Lisa) (Entered: 10/25/2011)
11/08/2011	<u>3</u> <u>9</u>	Supplemental Memorandum of David A.F. Lewis in Support re <u>30</u> MOTION for Attorney Fees filed by Shane O. Moffat. (Lewis, David) Modified on 11/9/2011 to correct docket text (Gaudet, Jennifer). (Entered: 11/08/2011)

11/22/2011	<u>4</u> <u>0</u>	Response by U.S. Department of Justice to <u>39</u> Affidavit in Support of Motion. (Grady, Mark) (Entered: 11/22/2011)
12/09/2011	<u>4</u> <u>1</u>	MOTION for Leave to Proceed in forma pauperis <i>and to file notice of appeal and to waive filing fee</i> by Shane O. Moffat.(Lewis, David) (Entered: 12/09/2011)
12/09/2011	<u>4</u> <u>2</u>	NOTICE OF APPEAL as to <u>29</u> Memorandum & ORDER by Shane O. Moffat Fee Status: IFP requested. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov MUST be completed and submitted to the Court of Appeals. Counsel shall register for a First Circuit CM/ECF Appellate Filer Account at http://pacer.psc.uscourts.gov/cmecf. Counsel shall also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at http://www.ca1.uscourts.gov/efiling.htm. US District Court Clerk to deliver official record to Court of Appeals by 12/29/2011. (Lewis, David) (Entered: 12/09/2011)
12/14/2011	<u>4</u> <u>3</u>	Certified and Transmitted Abbreviated Electronic Record on Appeal to US Court of Appeals re <u>42</u> Notice of Appeal, (Ramos, Jeanette) (Entered: 12/14/2011)
12/14/2011		USCA Case Number 11-2472 for <u>42</u> Notice of Appeal, filed by Shane O. Moffat. (Ramos, Jeanette) (Entered: 12/14/2011)
12/14/2011	<u>4</u> <u>4</u>	Supplemental Record on Appeal transmitted to US Court of Appeals re <u>42</u> Notice of Appeal, Sealed Document included: 11-1 (Ramos, Jeanette) (Entered: 12/14/2011)
01/05/2012	<u>4</u> <u>5</u>	AFFIDAVIT in Support re <u>41</u> MOTION for Leave to Proceed in forma pauperis <i>and to file notice of appeal and to waive filing fee</i> . (Hourihan, Lisa) (Entered: 01/10/2012)
01/12/2012	<u>4</u> <u>7</u>	Judge Denise J. Casper: Memorandum and Order entered granting <u>30</u> Motion for Attorney Fees (Hourihan, Lisa) (Entered: 01/13/2012)
01/13/2012	<u>4</u> <u>6</u>	Judge Denise J. Casper: ORDER entered. JUDGMENT (Hourihan, Lisa) (Entered: 01/13/2012)
01/13/2012		Civil Case Terminated. (Hourihan, Lisa) (Entered: 01/13/2012)
01/13/2012		Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>41</u> Motion for Leave to Proceed in forma pauperis (Hourihan, Lisa) (Entered: 01/13/2012)
01/13/2012	<u>4</u> <u>8</u>	Supplemental Record on Appeal transmitted to US Court of Appeals re <u>42</u> Notice of Appeal, Documents included: Electronic Order dated 1/13/2012 (Ramos, Jeanette) (Entered: 01/13/2012)

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